

TTAB

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February 21, 2006

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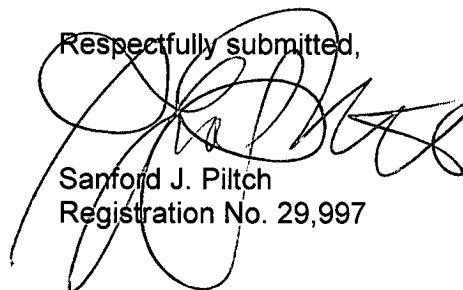
Dear Sir:

I am enclosing herewith the following documents set forth below, to be filed with the U.S. Patent and Trademark Office before the Trademark Trial and Appeal Board:

NOTICE OF OPPOSITION

Enclosed please find all Government Fees in respect to the here-enclosed documents.

Respectfully submitted,



Sanford J. Piltch
Registration No. 29,997

SJP:Imb
Enclosures:

NOTICE OF OPPOSITION OF TRADEMARK APPLICATION OF: **Discovery Communications, Inc.**

SERIAL NO.: **76/977,380**

FILING DATE: **06/12/2003**

MARK: **MILITARY CHANNEL**

OPPOSITION FILING FEE: **\$300.00**

ATTY. DOCKET NO.: 1504.2(1)



02-23-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LOU REDA PRODUCTIONS, INC., :
: :
OPPOSER, : OPPOSITION NO.
: :
v. : :
: :
DISCOVERY COMMUNICATIONS, INC., :
: :
APPLICANT. :

NOTICE OF OPPOSITION

Box TTAB
Commissioner for Trademarks
P.O. Box 1451
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This NOTICE OF OPPOSITION is brought in the matter of pending trademark application Serial No. 76/977,380, a divisional application of Serial No. 76/523,718 created on February 11, 2005 and accorded a filing date of June 12, 2003, filed by DISCOVERY COMMUNICATIONS, INC. (hereinafter "APPLICANT"), a corporation of the State of Delaware, for the registration of the mark "**MILITARY CHANNEL**" for services identified as *television broadcasting services* in International Class 38 and *entertainment services in the nature of television programming* in International Class 41, the mark being published in the *Official Gazette* of October 25, 2005. LOU REDA PRODUCTIONS, INC. (hereinafter "OPPOSER"), a corporation of the Commonwealth of Pennsylvania, having an address of 110 Main Street, P.O. Box 68, Easton, Pennsylvania 18042, believes it will be damaged by the registration of such trademark and hereby opposes same. This Opposition is being timely filed pursuant to the grant of a ninety (90) day Extension of Time to file until February 22, 2006.

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OPPOSER believes it will be damaged by registration of the above-identified mark and hereby gives notice of its intention to oppose the above-identified application for registration; its grounds for Opposition are as follows:

1. APPLICANT has applied to register the word mark **MILITARY CHANNEL** for *television broadcasting services* in International Class 38 and *entertainment services in the nature of television programming* in International Class 41, which mark is believed to be confusingly similar in appearance to the trade name and marks used by Opposer, i.e. **THE MILITARY CHANNEL** and **THE MILITARY CHANNEL & Design**.
2. OPPOSER is, and for several years has been, a well-known producer of military content programming, relying on its extensive archive of film, video and audio records, for compilation and sale to others for ultimate distribution throughout the country through broadcast media and DVD and CD-ROM disks.
3. OPPOSER filed a first application for registration of the mark **THE MILITARY CHANNEL** on June 1, 2004 for *entertainment services in the nature of production of radio, television and film programs, namely, the production of original, re-mastered, and compiled programming in the form of video images on CD-ROM and DVD, film and video tape, with either accompanying audio narration and/or separate audio tapes, of military subject matter for on-demand stock footage, film, video or audio clips, and short and full feature length programming* in International Class 41, which application is suspended pending the disposition of application Serial No. 76/523,718 and, by reason of the acceptance of the APPLICANT'S divisional request by the Intent to Use Branch, application Serial No. 76/977,380.
4. OPPOSER filed a second application for registration of the mark **THE MILITARY CHANNEL & Design** on May 25, 2005 for *entertainment services in the nature of*

production of radio, television and film programs, namely, the production of original, re-mastered, and compiled programming in the form of video images on CD-ROM and DVD, film and video tape, with either accompanying audio narration and/or separate audio tapes, of military subject matter for on-demand stock footage, film, video or audio clips, and short and full feature length programming in International Class 41 alleging a first date of use of the mark in commerce of October 15, 2004, which application is currently pending.

5. On information and belief, prior to the filing of the original application by the APPLICANT, OPPOSER adopted the trade name and mark **THE MILITARY CHANNEL** for *entertainment services in the nature of production of radio, television and film programs, namely, the production of original, re-mastered, and compiled programming in the form of video images on CD-ROM and DVD, film and video tape, with either accompanying audio narration and/or separate audio tapes, of military subject matter for on-demand stock footage, film, video or audio clips, and short and full feature length programming in International Class 41*
6. On information and belief, prior to the filing of the request for divisional application made by APPLICANT resulting in application Serial No. 76/977,380, OPPOSER adopted the trade name and mark **THE MILITARY CHANNEL & Design** for *entertainment services in the nature of production of radio, television and film programs, namely, the production of original, re-mastered, and compiled programming in the form of video images on CD-ROM and DVD, film and video tape, with either accompanying audio narration and/or separate audio tapes, of military subject matter for on-demand stock footage, film, video or audio clips, and short and full feature length programming in*

International Class 41, began use of such mark in commerce on or about October 15, 2004, and continues to use such mark in commerce.

7. On information and belief, APPLICANT only began using its mark, **MILITARY CHANNEL**, on or about November 30, 2004 for the described services in Classes 38 and 41 in the same geographic area that OPPOSER previously used its mark without abandonment.
8. On information and belief, APPLICANT displays and uses the mark **MILITARY CHANNEL** in connection with its cable television network, including a plurality of cable television broadcast channels, and markets its broadcast programming using this substantially identical mark to the trade name and marks of OPPOSER.
9. APPLICANT'S mark **MILITARY CHANNEL** so resembles OPPOSER'S trade name and marks **THE MILITARY CHANNEL** and **THE MILITARY CHANNEL & Design** that, when used in connection with the marketing of APPLICANT'S broadcast programming having military content over its cable network, there is a strong likelihood that confusion will result wherein the public will believe that there is some connection, sponsorship, affiliation or association between the television broadcasting services provided by APPLICANT and the program production services provided by OPPOSER.
10. APPLICANT'S mark, when used to identify its television broadcasting services, is likely to cause confusion, mistake and deception with consumers as to the source or origin of OPPOSER'S program production services.
11. APPLICANT'S mark **MILITARY CHANNEL**, as a typed word mark without any stylization or fanciful design element, is entirely descriptive of its services as used for military content programming over a cable television broadcast network and, if such registration is granted, OPPOSER will not be able to use and/or register its marks.

12. Based on the foregoing, OPPOSER believes that it will be gravely damaged by registration of APPLICANT'S mark.

WHEREFORE, OPPOSER respectfully requests that the NOTICE OF OPPOSITION be sustained and that the registration being sought by APPLICANT be refused.

Respectfully submitted,

LOU REDA PRODUCTIONS, INC.

DATE: **February 21, 2006**

BY: 

Sanford J. Piltch Esq.

Reg. No. 29,997

1132 Hamilton Street, Suite 201

Allentown, PA 18104

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ATTORNEY FOR OPPOSER

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: **Box TTAB - FEE, Commissioner for Trademarks, Box 1451, Alexandria, VA 22313-1451**, on the date indicated below.

DATE: **February 21, 2006**

BY: 

Sanford J. Piltch